

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
AUX CAYES FINTECH CO. LTD.,	:	
d/b/a "OKEx," d/b/a "OKX,"	:	25 Cr. 69 (KPF)
	:	
Defendant.	:	
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WHEREAS, on or about February 24, 2025, AUX CAYES FINTECH CO. LTD., d/b/a "OKEx," d/b/a "OKX" (the "Defendant"), was charged in a one-count Information, 25 Cr. \_\_\_\_ (KPF) (the "Information"), with operation of an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 1960 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the commission of the offense charged in Count One of the Information included but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count One of the Information;

WHEREAS, on or about February 24, 2025, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government (the "Plea Agreement"), wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of money equal to \$420,353,574 in United States currency, representing property involved in the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$420,353,574 in United States currency, representing the property involved in the offense charged in Count One of the Information;

WHEREAS, the Defendant agrees to make payment to the Government in the amount of \$420,353,574 (the “Criminal Forfeiture Payment”) in full satisfaction of the forfeiture money judgment no later than sixty days after entry of the Money Judgment, according to the schedule agreed to below; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count One of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Matthew Podolsky, Acting United States Attorney, Assistant United States Attorneys Eli J. Mark, Christopher Brumwell, and Vladislav Vainberg, of counsel, and the Defendant, and its counsel, David Meister, Esq. and Chad Silverman, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$420,353,574 in United States currency (the “Money Judgment”), representing the amount of property involved in the offense charged in Count One of the Information, shall be entered against the Defendant.

2. Defendant shall make the Criminal Forfeiture Payment by wire transfer to the Government pursuant to wire instructions provided by the United States Attorney’s Office as follows: (1) no later than ten (10) business days after entry of the Money Judgment, payment of \$84,000,000; (2) no later than thirty (30) days after entry of the Money Judgment, payment of \$168,000,000; and (3) payment of any remaining amount of the Criminal Forfeiture Payment

within sixty (60) days after entry of the Money Judgment, subject to the terms of Paragraph 21(c) of the Plea Agreement.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, AUX CAYES FINTECH CO. LTD., d/b/a "OKEEx," d/b/a "OKX," and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Marshals Service shall be authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Upon receipt of the Criminal Forfeiture Payment within sixty days of entry of the Money Judgment, the Money Judgment shall be deemed fully satisfied.

6. In the event the Criminal Forfeiture Payment is not made no later than sixty days after entry of the Money Judgment, pursuant to Title 21, United States Code, Section 853(p), the failure to pay by Defendant, AUX CAYES FINTECH CO. LTD., d/b/a "OKEEx," d/b/a "OKX," shall be considered a breach of the Plea Agreement, triggering the consequences of breach set forth in Paragraph 24 of the Plea Agreement, and the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

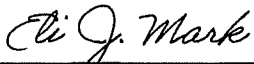
7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

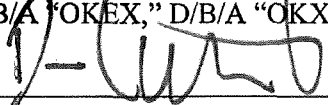
AGREED AND CONSENTED TO:

MATTHEW PODOLSKY  
Acting United States Attorney for the  
Southern District of New York

By:  2/24/25  
ELI J. MARK DATE  
CHRISTOPHER BRUMWELL  
VLADISLAV VAINBERG  
Assistant United States Attorneys  
26 Federal Plaza, 37<sup>th</sup> Floor  
New York, NY 10278  
(212) 637-2431/-2477/-1029

AUX CAYES FINTECH CO. LTD., D/B/A "OKEX," D/B/A "OKX"

By:  2/24/2025  
AUX CAYES FINTECH CO. LTD, DATE  
D/B/A "OKEX," D/B/A "OKX"

By:  2-24-25  
DAVID MEISTER, ESQ. DATE  
CHAD SILVERMAN, ESQ.  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Manhattan West  
395 9th Ave  
New York, NY 10001

SO ORDERED:

  
HONORABLE KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE

2/24/2025  
DATE